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May 22, 2015

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Mr. Darrell Nitschke  
Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480  
Email: dnitschk@nd.gov

**Re: In the Matter of the Application of Dakota Access, LLC  
for a Certificate of Site Compatibility and Route Permit  
for the Dakota Access Pipeline Project/NORTH DAKOTA  
PIPELINE COMPANY LLC PETITION TO INTERVENE**

Mr. Nitschke:

Please find enclosed for filing the NORTH DAKOTA PIPELINE COMPANY LLC PETITION TO INTERVENE pursuant to N.D.A.C. § 69-02-02-05 in the matter described above. Please find the original and seven copies of such Petition as well as the Affidavit of John McKay and a Certificate of Service.

If you have any questions or need any additional information, please contact me at your earliest convenience. Thank you.

Sincerely,

McGEE, HANKLA & BACKES, P.C.

Bryan Van Grinsven

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60 PU-14-842 Filed: 5/22/2015 Pages: 7  
Petition to Intervene & Affidavit

John McKay

Bryan Van Grinsven, Attorney

NORTH DAKOTA PUBLIC SERVICE COMMISSION

In the Matter of the Application of Dakota Access, LLC for a Certificate of Site Compatibility and Route Permit for the Dakota Access Pipeline Project in Mountrail, Williams, McKenzie, Dunn, Mercer, Morton and Emmons Counties, North Dakota	Case No. PU-14-842  NORTH DAKOTA PIPELINE COMPANY LLC PETITION TO INTERVENE
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[¶1.] Pursuant to N.D.A.C. Section 69-02-02-05, North Dakota Pipeline Company LLC ("Petitioner"), hereby petitions to intervene in the above-captioned proceedings and, in support of this Petition, states and alleges as follows:

[¶2.] A Petition for Certificate of Site Compatibility and Route Permit for the Dakota Access Pipeline Project has been filed with the North Dakota Public Service Commission. Petitioner has pipeline and transmission facilities, along with easements and other property rights in North Dakota that may be materially impacted or affected by the Dakota Access Pipeline Project.

[¶3.] Petitioner has a direct and substantial interest in these proceedings, as well as legal property rights which may be substantially impacted or affected by the North Dakota Public Service Commission's findings and conclusions in this matter. For example, this Commission previously issued a route permit for the Sandpiper Pipeline. Part of the proposed Dakota Access Pipeline Project overlaps that portion of the Sandpiper Pipeline between Beaver Lodge and Stanley, North Dakota. Petitioner is concerned that the proposed Dakota Access Pipeline Project might encroach upon portions of the Sandpiper Pipeline and could also interfere with some of Petitioner's existing facilities in North Dakota as well as the potential expansion of those facilities in the future. Petitioner is intimately familiar with the location of its pipelines and transmission facilities in North Dakota and the property interests held by Petitioner in North Dakota, on which future pipelines and transmission facilities may be constructed, and may be

able to provide the Public Service Commission with specific information related to its routing determination in this proceeding. Petitioner believes that thus coordination and cooperation between the parties regarding the proposed Dakota Access Pipeline Project is critical to these proceedings and the ultimate success of the Project.

[¶4.] Although efforts are being made to coordinate with Dakota Access regarding construction of the Dakota Access Project, areas of possible encroachment on Petitioner's existing easements and rights of way, etc. Petitioner is not adequately represented by existing parties and believes it necessary intervene in order to be able to protect its interests in these proceedings.

[¶5.] Petitioner's intervention would not unduly broaden the issues or delay the proceedings, particularly given the early nature of the proceedings.

[¶6.] Petitioner does not oppose the relief sought by the Applicant in this proceeding, provided the relief does not substantially interfere with Petitioner's interests. To the extent that the requested relief would substantially interfere with Petitioner's interests, Petitioner would oppose the Dakota Access Pipeline Project.

Date: May 22, 2015

MCGEE, HANKLA & BACKES, P.C.

By: 

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Representing: North Dakota Pipeline Company LLC

NORTH DAKOTA PUBLIC SERVICE COMMISSION

In the Matter of the Application of Dakota Access, LLC for a Certificate of Site Compatibility and Route Permit for the Dakota Access Pipeline Project in Mountrail, Williams, McKenzie, Dunn, Mercer, Morton and Emmons Counties, North Dakota

Case No. PU-14-842

AFFIDAVIT OF JOHN MCKAY IN  
SUPPORT OF NORTH DAKOTA PIPELINE  
COMPANY LLC PETITION TO  
INTERVENE

STATE OF <sup>Wisconsin</sup> MINNESOTA )

COUNTY OF Douglas )

John McKay, being first duly sworn, deposes and states as follows:

[¶1.] I am the Senior Manager, Land Services (US Projects) for North Dakota Pipeline Company LLC.

[¶2.] North Dakota Pipeline Company LLC has pipeline and transmission facilities, easements and other property rights in North Dakota. Without coordination and cooperation, some of those facilities and/or property rights could be materially impacted or adversely affected by the Dakota Access Pipeline Project. For example, a portion of the proposed Dakota Access Pipeline Project overlaps a part of the Sandpiper Pipeline, for which this Commission previously issued a Route Permit. Without coordination and cooperation, the proposed Dakota Access Pipeline Project might encroach upon portions of the Sandpiper Pipeline. North Dakota Pipeline Company LLC also has other interests and facilities in areas affected by the proposed Dakota Access Pipeline Project that could be impacted.

[¶3.] North Dakota Pipeline Company LLC's interests are not adequately represented by existing parties. Therefore, intervention is necessary to allow North Dakota Pipeline Company LLC to protect those interests.

[¶4.] North Dakota Pipeline Company LLC respectfully requests leave to intervene in these proceedings.

Date: May 22, 2015

  
\_\_\_\_\_  
John McKay

The foregoing instrument was acknowledged before me on May 22, 2015 by John McKay.



  
\_\_\_\_\_  
Notary Public  
Expires: 02/02/2019

NORTH DAKOTA PUBLIC SERVICE COMMISSION

In the Matter of the Application of Dakota Access, LLC for a Certificate of Site Compatibility and Route Permit for the Dakota Access Pipeline Project in Mountrail, Williams, McKenzie, Dunn, Mercer, Morton and Emmons Counties, North Dakota

Case No. PU-14-842

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of:

1. **North Dakota Pipeline Company LLC Petition To Intervene;**
2. **Affidavit of John McKay;** and
3. **Certificate of Service**

were filed with the North Dakota Public Service Commission and mailed and emailed to the following on May 22, 2015:

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Dated this 22<sup>nd</sup> day of May, 2015

By: 

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Representing: North Dakota Pipeline Company LLC